SINGLE BENCH

(2) (4)

Cf Rs. 300/-
Total Rs. 700/-

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 1094/2007

PETITIONERS

1. Rohit Satnami,
S/o. Shri Gewar Satnami,
Aged about 48 years,
R/o. Village Pond,
P.O. Abhanpur
District Raipur(C.G.).
2. Narsingh Dhimar,
S/o.Shri Pancham Dhimar,
Aged about 50 years,
R/o. Village Pond,
P.O. Abhanpur) Dist
Raipur(C.G.)
3. Sakha Ram Sahu,
S/o. Shri Durjan,
Aged about 44 years,
R/o. Chipri Dohi Marg,
Village - Patewa
P.O. Patewa, P.S. Rajim,
District Raipur (C.G.)
4. Kesho Ram Sahu,
S/o Shri Pursuottam
Sahu, aged about 50
years, R/o. Kuli Kurri
Patewa Marg,Village
Patewa via Nayapara
(Rajim), District Raipur
(C.G.)
5. Derha Ram Yadav,
S/o. Shri Gokul Ram
Yadav, aged about 50
years, R/o. village
Patewa, P.S. Rajim, P.O.
Patewa, District Raipur
(C.G.)
6. Maksudan Ram Sahu
S/O Shekhu Ram Sahu
Aged about 56 years
R/o village Dongitarai
P.O. Abhanpur,
District Raipur (C.G.)
7. Leela Ram Sahu
S/O Hemu Ram Sahu
Aged about 51 years
R/o village Dongitarai
P.O. Abhanpur,
District Raipur (C.G.)

P.R. No. 1320/07
Presented by Shri R. K. Pal
dated 15-02-07

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C.L.R. to A.G. BILASPUR

1/11/07

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through the Secretary,

(3) (E) CFRS150/

Public Works Department,
Mantralaya, D.K.S.
Bhawan, Raipur (C.G.)

2. Engineer-in-Chief,
Public Works Department,
Raipur (C.G)

3. Executive Engineer,
Public Works Department,
Raipur (C.G)

4. Sub-Divisional Officer,
Public Works Department,
Sub-Division No. 3(D&R),
Raipur (C.G)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND FOR OTHER SUITABLE WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS ETC.

(54)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 1094 of 2007

Petitioners : Rohit Satnami and others

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mrs. Fouzia Mirza, Advocate for the petitioners.
Mr. Ajay Dwivedi, Panel lawyer for the State/respondents.

O R D E R

(Passed on this 26th Day of February, 2007)

1. Learned counsel appearing for the petitioners submits that the petitioners No. 1, 2, 3, 4, 5 and 7 were appointed on 1.3.83 and the petitioner No. 6 was appointed on 1.10.82 as Work Charged Employees and the petitioners, who have worked for more than 25 years as Gangman seeks a relief that the petitioners being permanent gangman be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.')56.

2. According to learned counsel for the petitioners, the petitioners attained the status of permanent employees, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979'), framed under Article 309 of the Constitution of India. After having attained the status of the permanent employees, the petitioners would retire on attainting the age of 62 years on superannuation under the provisions of the Act, 1967.

(55)

3. Learned counsel appearing for the petitioners would submit that the cases of the petitioners are squarely covered by the decision of this Court passed on 4th January, 2007 in W.P. No. 108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters.

4. Learned counsel appearing for the respondents/State does not dispute the submissions made by learned counsel for the petitioners.

5. The respondents are at liberty to consider the facts of the case asto whether the petitioners have completed 15 years of service as gangman. In the event, it is found that they have completed 15 years of service, the case shall be governed by the decision of this Court in Govind Vs. State of Chhattisgarh and others (supra).

6. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu